

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:

KOLESZAR FARM LLC,  
*Debtor*

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CHAPTER 11 – BANKRUPTCY  
APPEAL

No. 21-5145

**ORDER**

AND NOW, this 26<sup>th</sup> day of April, 2022, upon consideration of the Debtor/Appellant Koleszar Farm, LLC's Emergency Motions for Stay Pending Appeal (Doc. Nos. 5 & 8), the parties' representations to the Court during the telephone conference held on April 21, 2022, and the parties' supplemental briefs (Doc. Nos. 10, 12, 13), it is hereby **ORDERED** that:

1. The Motion for Stay Pending Appeal (Doc. No. 8) is **GRANTED** and the Bankruptcy Court's November 4, 2021 Order (Case No. 21-11653, Doc. No. 78), annulling the automatic stay with respect to the Debtor/Appellant's property located at 348 Pineville Road, Newtown, Upper Makefield Township, Pennsylvania 18940, and the Writ of Possession issued by the Bucks County Court of Common Pleas in the case, *Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 vs. Koleszar Farm LLC, et al.*, Docket No. 2021-06618, due, inter alia, to the annulment of the automatic stay, are **TEMPORARILY STAYED**;
2. The **TEMPORARY STAY** will remain in place until **12:00 p.m. on April 29, 2022**, and will expire on its own at **5:00 p.m. on April 29, 2022**, unless extended by an Order of this Court; and

3. At the hearing in Courtroom 10B in the federal courthouse at 601 Market Street, Philadelphia, PA on **April 28, 2022 at 10:00 a.m.**, the parties must be prepared to address at least the following:
  - a. The specific efforts taken by both parties to resolve this litigation amicably;
  - b. Whether and how any stay imposed by this Court implicates federalism concerns, namely, whether and, if so, to what extent, this Court's entertaining of this litigation intrudes upon the jurisdiction of the Bucks County Court of Common Pleas; and
  - c. Whether this litigation is properly before this Court as a bankruptcy proceeding.

**BY THE COURT:**

A handwritten signature in cursive script, appearing to read "Gene E.K. Pratter", is written over a horizontal line.

**GENE E.K. PRATTER**  
**UNITED STATES DISTRICT JUDGE**